

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

In re:

Chapter 11

The Diocese of Rochester,

Case No. 2-19-20905-PRW

Debtor.

The Diocese of Rochester,

Plaintiff,

v.

Adv. Proc. No. 19-02021-PRW

The Continental Insurance Company, *et al.*,

Defendants.

**NOTICE OF AMENDED MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
FOR CX REINSURANCE COMPANY LIMITED**

PLEASE TAKE NOTICE, that on October 27, 2020, the undersigned attorneys and law firm (the “Movants”) moved (the “Motion”) the United States Bankruptcy Court for the Western District of New York (the “Court”) for entry of an order granting leave to withdraw as counsel to CX Reinsurance Company Limited pursuant to Rule 2091-A(1) of the Local Rules of Bankruptcy Procedure for the Western District of New York and Amended Standing Order dated December 18, 2009.

PLEASE TAKE FURTHER NOTICE, that a hearing to consider the Motion and any objections related thereto will be held on November 5, 2020 at 11:00 a.m. (prevailing Eastern time), or as soon thereafter as counsel may appear and be heard, before the Honorable Paul R. Warren, United States Bankruptcy Judge for the Western District of New York, or such other judge as may be sitting in his stead in the United States Courthouse at 100 State Street, Rochester, New York 14614.

PURSUANT TO FRBP 9014 AND THE STANDING ORDERS IMPLEMENTING DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN, IF YOU INTEND TO OPPOSE THE MOTION, AT A MINIMUM, YOU MUST SERVE: (1) THE MOVANT AND MOVANT’S COUNSEL, AND (2) IF NOT THE MOVING PARTY (A) THE DIOCESE AND DIOCESE’S COUNSEL; AND (B) IN A CHAPTER 11 CASE, THE CREDITORS’ COMMITTEE AND ITS ATTORNEY, OR IF THERE IS NO COMMITTEE, THE 20 LARGEST CREDITORS; AND (C) ANY TRUSTEE. IN

ADDITION, YOU MUST FILE WITH THE CLERK OF THE BANKRUPTCY COURT WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THE MOTION NOTWITHSTANDING THE DECEMBER 1, 2009 AMENDMENTS TO FRBP 9006(a). IN THE EVENT THAT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION UNOPPOSED.

Dated: October 27, 2020

CLYDE & CO US LLP

By: /s/ Peter J. Garthwaite
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**AMENDED MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
FOR CX REINSURANCE COMPANY LIMITED**

Pursuant to Rule 2091-A(1) of the Local Rules of Bankruptcy Procedure for the Western District of New York and Amended Standing Order dated December 18, 2009, the undersigned attorneys and law firm, Clyde & Co US LLP (collectively, the “Attorneys”) hereby move the Court for leave to withdraw as counsel (“Motion”) to CX Reinsurance Company Limited (“CX”). In support of this Motion, the Attorneys state as follows:

BACKGROUND

1. On September 12, 2019 (the “Petition Date”), the Diocese of Rochester (the “Diocese”) filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the Western District of New York (the “Court”).

2. On November 14, 2019, the Diocese filed a Complaint against CX and several other insurers, initiating the above-captioned adversary proceeding (the “Adversary Proceeding”).

3. On January 9, 2020, the Court entered orders [Docket Nos. 16, 17] granting the *pro hac vice* admission of the Attorneys to represent CX and certain other insurers named as defendants in the Adversary Proceeding.

4. On August 17, 2020, CX entered insolvent administration under the laws of the United Kingdom (the “UK Proceeding”). On August 19, 2020, the joint administrator appointed in the UK Proceeding sent a letter to all legal representatives of CX instructing them “to take no further action unless advised otherwise in respect of any matters on which [they] were instructed by [CX].” A true and correct copy of the August 19, 2020 letter from CX’s joint administrator is attached hereto as Exhibit A.

5. On September 14, 2020, the foreign representatives and joint administrators of CX in the UK Proceeding filed a petition for recognition under chapter 15 of the Bankruptcy Code with the United States Bankruptcy Court for the Southern District of New York (the “New York Bankruptcy Court”), commencing Case No. 20-12156 (MG). On October 8, 2020 the New York Bankruptcy Court entered the *Order Granting Recognition of Foreign Main Proceeding and Related Relief* (the “Recognition Order”), *inter alia*, recognizing the UK Proceeding as a foreign main proceeding pursuant to sections 1517(a) and 1517(b)(1) of the Bankruptcy Code, ordering application of the automatic stay imposed by section 362 of the Bankruptcy Code and staying “all judicial and foreclosure proceedings in the United States against any member of [CX] or against any of their respective assets in the United States.” (*See Recognition Order at 3-4.*) A true and correct copy of the Recognition Order is attached hereto as Exhibit B.

RELIEF REQUESTED AND BASIS THEREFOR

6. Pursuant to Rule 2091-A(1) of the Local Rules of Bankruptcy Procedure and Amended Standing Order dated December 18, 2009, withdrawal as counsel for a non-debtor party is permitted upon a motion setting forth sufficient detail as to why such a withdrawal will not substantially prejudice the client.

7. The stay imposed by the Recognition Order protects CX from judgment in this Adversary Proceeding. Accordingly, the Attorneys' withdrawal will not prejudice CX.

8. Furthermore, the Attorneys have been instructed by the joint administrators in the UK Proceeding to take no further action on behalf of CX.

WHEREFORE, the Attorneys respectfully request that the Court enter an Order granting the Attorneys leave to withdraw as counsel to CX and such other and further relief as the Court may deem just and proper.

Dated: October 27, 2020

CLYDE & CO US LLP

By: /s/ Peter J. Garthwaite
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